

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

-vs-

KAFU CHUNG,

Defendant

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NO. 2:06-MJ-50

JOINT MOTION FOR EXCLUDABLE TIME
PURSUANT TO THE SPEEDY TRIAL ACT AND TO CONTINUE THE
PRELIMINARY HEARING

AND NOW, comes the United States, by Assistant United States Attorney John C. Gurganus, Jr., and James J. Mahon, Counsel for the Defendant, pursuant to United States Code, Section 3161, and respectfully move the Court to exclude time within which the United States must obtain an indictment or file an information under the Speedy Trial Act and to continue the Preliminary Hearing in this matter. In support of this motion the following is submitted:

1. On April 3, 2006, a criminal complaint was filed charging Kafu Chung with a violation of Title 18, United States Code, Section 201, bribery of public officials. Thereafter, Chung was arrested and received an initial appearance before United States District Judge Edwin M. Kosik. Judge Kosik released Chung on bond. Thereafter, the parties began plea negotiations seeking to resolve this matter without the need of such a hearing or an indictment. To assist those efforts, this court extended the time for the preliminary hearing and for the return of an indictment. Those negotiations are continuing.

2. Under the Speedy Trial Act, an indictment or information must be filed within thirty (30) days of a defendant's arrest. The Act, however, includes a list of certain periods of delay that are

excluded in computing this thirty (30) day period.

3. As noted above, the parties remain committed to seeking to resolve this case without the need for a preliminary hearing or indictment. It is respectfully submitted that the ends of justice will be served by a excluding from the Speedy Trial clock a period of thirty (30) days from the date of the attached Order to the parties to attempt to reach a plea agreement and for the filing of a Criminal Information. The parties concede that the adjournment for the stated reasons, which may resolve the need for an indictment or a preliminary hearing, outweigh the interest of the public and the Defendant in a speedy trial.

4. The Preliminary Hearing is presently scheduled for July 5, 2006. It is requested that such a hearing be scheduled thirty (30) days from the date of this Court's Order.

5. It is further submitted that all reasons for the continuance appear on the face of the motion such that a supporting brief is unnecessary.

6. Counsel for the defendant, James J. Mahon, has authorized the undersigned to file this motion on behalf of the parties.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney

/s/ John C. Gurganus, Jr.

June 30, 2006
Date

JOHN C. GURGANUS, JR.
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on June 30, 2006, he served a copy of the attached:

MOTION FOR EXCLUDABLE TIME
PURSUANT TO THE SPEEDY TRIAL ACT AND TO SCHEDULE
A PRELIMINARY HEARING

by electronic mail to James J. Mahon, Esquire, at JMahon@helmsgreene.com

/s/ John Gurganus

June 30, 2006

Date

John Gurganus

Assistant U.S. Attorney